

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KARL FUGATE,	:	
	:	Case No. 1:19-cv-00030
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Magistrate Judge Stephanie K. Bowman
RON ERDOS, et al.,	:	
	:	
Defendants.	:	

DEFENDANTS' MOTION FOR AN EXTENSION
OF TIME TO COMPLETE DISCOVERY

Named and Served Defendants, by and through counsel, respectfully move this Court, pursuant to Fed. R. Civ. P. 6(b)(1)(A), to extend the discovery deadline by forty-five (45) days. In addition, as a result of such, the Defendants move that the dispositive motion deadline be moved forty-five (45) days as well. A Memorandum in support is attached.

Respectfully submitted,

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Ohio Attorney General

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Trial Attorney for Defendants

MEMORANDUM IN SUPPORT

Pursuant to a March 28, 2019 Calendar Order, this Court set a discovery deadline of October 31, 2019 and a dispositive motion deadline of December 31, 2019. [Doc. #11, PageID#108]. Recently, Defendants' Motions to Dismiss (Doc. #9, Doc. #26) were decided upon on October 9, 2019. [Doc. 34, PageID203]. Later, the deadlines were moved until December 30, 2019 and March 2, 2020 accordingly. [Doc. #36]. Defendants now move for an extension of the discovery deadline of forty-five (45) additional days to February 13 2020 and, as a result, that the dispositive motion deadline be moved forty-five (45) days to April 16, 2020.

Fed. R. Civ. P. 6(b)(1)(A) provides that a court may extend the date for the doing of an act upon a showing of good cause if the request is made within the time remaining for the act to be performed. Further, S.D. Ohio Civ. R. 16.2 provides that a Magistrate Judge "may modify scheduling orders upon a showing of good cause."

Here, Undersigned asserts good cause exists. Due to the holidays and the extensive process of planning and scheduling an inmate deposition at Ohio State Penitentiary ("OSP"), Defendants were unable to schedule Plaintiff's deposition yet. In addition, such added discovery time will give Plaintiff additional time to properly request discovery matters (by contacting our office for any materials sought) instead of inappropriately filing them with the Court. [See Doc. #29; Doc. #39]. This request is not made for purposes of delay and should not result in any prejudice to either party's case as an extension, as indicated previously, would likely benefit both parties in this instance.

Therefore, Undersigned counsel seeks forty-five (45) additional days to the discovery deadline and, as a result, the dispositive motion deadline. If granted, the new discovery deadline

would be February 13, 2020, and the dispositive motion deadline would be April 16, 2020. It is hoped that, if granted, the extension will not cause the Court any inconvenience.

Respectfully submitted,

DAVE YOST (0056290)
Ohio Attorney General

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CERTIFICATE OF SERVICE

I certify that the foregoing *DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO COMPLETE DISCOVERY* was filed via electronic transmission on December 23th, 2019, and was sent by regular, first-class mail to Karl Fugate, #A528-949, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, Ohio 44505.

/s/Zachary M. Holscher
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Assistant Attorney General